

REMARKS

Claims 1-10 are all the claims pending in the application. Applicants respectfully request that should the application not be passed to issue based on the following remarks, that a non-Final Office Action be issued since the present Office Action did not consider or acknowledge claim 10 from the June 16, 2004 Amendment.

Claims 1, 2, 4-6, 8, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki (JP 63-151855). The Examiner maintains the same reasons for their rejection as in the March 17, 2004 Office Action.

In the June 16, 2004 Amendment, Applicants argued that Yamazaki does not disclose or suggest a tip end nozzle positioned at a center of a flow of one fluid, where another fluid is injected from the nozzle into the flow of the fluid, so that the two fluids are evenly mixed.

In response, the Examiner argues in this Office Action that there are two different fluid supplies from tube 23 and tube 24 of Yamazaki. The Examiner alleges that it is explicitly evident that the tip of tube 23 is centered in the flow chamber 21. The Examiner further argues that both fluids are supplied to the chamber flow 21 and they are flowing towards jetting nozzle 22. The Examiner states that it is the nature of a fluid to spread in all directions when it enters a container. Therefore, the Examiner maintains that the fluids will move in all possible directions including the direction towards the jetting nozzle 22 and mix invariably at the nozzle orifice.

Applicants respectfully traverse the rejection and the Examiner's reasons therefore. According to Yamazaki, the sample suspension 25 from the sample tube 23 is wrapped with the

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IN THE DRAWINGS:

The Examiner is kindly requested to approve the attached proposed drawing correction to
Figures 1C and 1D

sheath liquid 26. Then, the sample suspension 25 and the sheath liquid 26 are jetted from the nozzle 22 as the coaxial flow 27. Thus, one reason for the tip end of the sample tube 23 being disposed at the center of the chamber 21 is to for the coaxial flow 27, *not to mix the liquids.*

Further, claim 1 recites a nozzle, “a tip end of which is disposed at a center portion of flow of said one fluid.” This center portion of flow of the one liquid is clearly described in the present specification and shown in the application drawings. As discussed above, the Examiner states that it is the nature of fluid to “move in all possible directions including the direction towards the jetted nozzle 22” when it enters a container. As such, because of this “nature” of moving in all possible directions, it is clear from the placement of tubes 23 and 24 of Yamazaki (see Figure 3) that the nozzle would not be *disposed* at a center portion *of flow* of the one fluid. Rather, the sheath liquid 26 will move in all possible directions when introduced into the flow chamber according to the Examiner. As such, a center portion of flow would not be determined until at least towards the bottom of the flow chamber, well below the nozzle of tube 23.

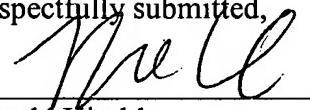
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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